

SUITABILITY OF MANAGEMENT ARRANGEMENTS

In considering whether the management arrangements are satisfactory the Council must have regard to the following:

- the suitability of the proposed licence holder and manager (if different) - often called the 'fit and proper test'
- the competence of the proposed licence holder/manager to manage the building
- the suitability of the management structures and
- the adequacy of the financial arrangements.

Definition of fit and proper person

To be able to hold an HMO licence or to be a manager of an HMO a person has to be considered to be 'fit and proper'.

Each applicant for a licence will be asked details (in relation to the proposed licence holder or manager) of:

- any unspent convictions for offences involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003
- any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or in connection with the carrying on of a business
- any contravention of any provision of the law relating to housing, public health, environmental health, or landlord and tenant law (including any civil or criminal proceedings that resulted in a judgement against you).
- information about any current or previous HMOs or houses for which a local authority has refused to grant a licence under part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of the licence
- information about any current or previous HMOs or houses that have been the subject of an interim or final management order under the Act.

Any applicant who does not declare unspent convictions will be committing an offence and liable to an unlimited fine. A licence could also be denied or revoked in such cases.

Each application will be considered individually by the local authority and the declaration of an unspent conviction would not necessarily mean that the applicant was not a fit and proper person.

Managing agents must ensure that all their staff are 'fit and proper' and in making a decision the Council will want to know details of the managing arrangements, who is involved, and what precautions have been taken to ensure those involved are fit and proper. The Council will also take regard of evidence that shows a person associated, or formerly associated with the proposed licence holder or manager, has committed the above offences to avoid someone with a record acting as a 'front' for someone else who is not a fit and proper person.